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1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3 Christopher Kohls,

Case No. 2:24-cv-02527-JAM-CKD

4 *Plaintiff,*

5 v.

**Judge:** John A. Mendez

6 Rob Bonta, et al.,

7 *Defendants.*

8 The Babylon Bee, LLC, et al.

Case No. 2:24-cv-02787-JAM-CKD

9 *Plaintiffs,*

10 v.

11 Rob Bonta, et al.,

12 *Defendants.*

13 Rumble Inc., et al.

Case No. 2:24-cv-03315-JAM-CKD

14 *Plaintiffs,*

15 v.

16 Rob Bonta, et al.

17 *Defendants.*

18 X Corp,

Case No. 2:24-cv-03162-JAM-CKD

19 *Plaintiff,*

20 v.

21 Rob Bonta, et al.

22 *Defendants.*

**DECLARATION OF SETH DILLON IN SUPPORT OF PLAINTIFFS'  
MOTIONS FOR SUMMARY JUDGMENT**

I, Seth Dillon, declare as follows:

1. I am above the age of 18, and competent to make this declaration.

2. The facts in this declaration are within my personal knowledge and are true and correct. If called to testify, I could and would testify competently to these facts.

3. I am Chief Executive Officer of The Babylon Bee, LLC ("The Bee"). As CEO, I have general supervision of all of The Bee's operations. I am familiar with The Bee's history and policies and procedures about publishing its content.

4. I have served as CEO since Spring 2018.

5. The Bee runs and controls a website that exposes foolishness, mocks absurdity, and highlights hypocrisy in faith, politics, and culture through satire, humor, and parody. *See* The Babylon Bee, <https://babylonbee.com>.

6. Through my work with The Bee, I have become familiar with the history of satire and parody. I believe satire and parody are important tools that help The Bee achieve its mission.

7. As CEO, I have ultimate editorial control over all content published. I have the authority to direct those responsible for publishing The Bee's articles. And I am actively involved in setting the tone, agenda, and guidelines for The Bee's content. I also follow The Bee on all of its online platform accounts. I am therefore familiar with the posts The Bee makes on its website and online platform accounts.

8. The Bee brought this First and Fourteenth Amendment challenge to California's AB 2839 and AB 2655 because the laws may stop The Bee from posting its satire and parody.

**I. Satire has a rich and important history in the United States.**

9. Satire is a distinct mode of expression, historically rooted in literature but extending across various media, including theater, visual art, film, television, and digital platforms. Satire has a history that stretches back to Ancient Rome. Gilbert Highet, *Anatomy of Satire* 24 (1962).

10. As a genre, satire focuses on topical content or individuals, speaks to particular moments, and generally “deals with actual cases, mentions real people by name or describes them unmistakably (and often unflatteringly).” *Id.* at 5, 13, 16.

11. Parody is a form of satire that takes original content, imitates it, and then makes the original look absurd through various devices, such as infusing it with incongruous ideas or exaggerating the original’s aesthetic devices. *Id.* at 13.

12. The end of satire is often to criticize or mock an idea, event, or person for the purpose of correction and improvement. Sometimes it merely aims to provoke laughter. Satire uses humor, irony, and exaggeration to expose and critique societal flaws, hypocrisy, and corruption.

13. Figures such as Horace, Plato (*Menexenus*), Miguel de Cervantes (*Don Quixote*), Voltaire (*Candide*), Jonathan Swift (*Gulliver’s Travels*), and George Orwell (*Animal Farm*) have used satire to provide social commentary in order to expose underlying truths.

14. Satirists “intend[ ] to shock” their audience “[b]y compelling them to look at a sight they had missed or shunned” and help their audience to “realize the truth, and then move[ ] ... to feelings of protest.” *Id.* at 20.

15. In short, satirists “tell[ ] the truth with a smile, so that [they] will not repel [people] but cure them of th[eir] ignorance which is their worst fault.” *Id.* at 235.

16. In these ways, satire and parody make audiences do a double-take by believing that they are seeing a serious rendering of an original, and then allowing

1 them to laugh at their own gullibility when they realize that they are really viewing  
2 satire or parody.

3 17. Through this technique, satirists intend to prompt thought, internal  
4 reflection, and public dialogue about the subject of the satire.

5 18. To do this effectively, satire and parody leverage the expectations that  
6 are created in people when they see something that, at first glance, suggests  
7 authenticity, and then juxtapose that realism with the satirical form.

8 19. Satire and parody generate their most rhetorical power by leveraging  
9 the dissonance created by mimicking a particular form, event, idea, or person, and  
10 then inserting something absurd.

11 20. This power comes from satire and parody's proximity to the original.

12 21. Because of their effectiveness and appeal, satire and parody have been  
13 used throughout American history to deal with matters of current interest—  
14 especially matters of politics and politicians.

15 **II. The Babylon Bee is a satirical news source that posts “Fake news you**  
16 **can trust.”**

17 22. The Bee fits well within this longstanding tradition of using satire and  
18 parody to speak the truth, expose bad ideas, and encourage societal change.

19 23. The Bee's tagline is “Fake news you can trust.”

20 24. Millions of people view The Bee's website each month, and California  
21 is The Bee's third largest state in terms of audience reach.

22 25. The Bee has accounts on online platforms like Rumble, X, Facebook,  
23 Instagram, and YouTube, where it republishes its articles, posts videos, and  
24 republishes third-party content. *See* The Babylon Bee, Rumble,  
25 <https://bit.ly/43m2Sia>; The Babylon Bee, X, <https://bit.ly/3N3apJ7>; The Babylon Bee,  
26 Facebook, <https://bit.ly/3XLkpfj>; The Babylon Bee, YouTube, <https://bit.ly/3XLztcy>;  
27 The Babylon Bee, Instagram, <https://bit.ly/3TLjPgq>.

1           26.    The Bee currently has 4.7 million followers on X, 2 million followers on  
2 Instagram, over 1.5 million followers on Facebook, over 1.5 million subscribers on  
3 YouTube, and over 475,000 followers on Rumble.

4           27.    The Bee's posts generate millions of "impressions"—i.e., instances  
5 when a user sees its web page or other online post.

6           28.    The Bee's posts also generate tens of thousands of "likes" and "reposts"  
7 on online platforms.

8           29.    As one example, The Bee posted an article entitled "The Babylon Bee  
9 has obtained this exclusive, official, 100% real Gavin Newsom election ad" on X on  
10 September 18, 2024.<sup>1</sup> The Babylon Bee (@TheBabylonBee), X (Sept. 18, 2024),  
11 <https://perma.cc/5886-HDTJ>.

12           30.    The article embeds a video depicting alternating images of smiling  
13 citizens and trash-littered streets, overlaid with an AI-generated version of  
14 Governor Newsom's voice making statements that the video contains his  
15 "authentically recorded" "100% real message" "without the assistance of any AI  
16 whatsoever."

17           31.    As of March 5, 2025, the post had accumulated over 36 million views,  
18 140,000 likes, and 54,000 reposts.

19           32.    The Bee posts between six to eight articles on its website during the  
20 workweek and three to five articles during the weekends and then republishes those  
21 articles on X, Facebook, and Instagram.

22           33.    The Bee also publishes videos that it creates on Rumble and YouTube.  
23  
24  
25

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26 <sup>1</sup> For some permanently linked multimedia content, such as videos, audio, or  
27 images, the viewer may need to click on the "View the live page" icon at the top  
28 right of the page to view the content.

34. The Bee posts about various topics, including the economy, California, fall traditions, government censorship, and much else.<sup>2</sup>

### Fast-Food Meal Costs Family \$100 After They Idle In Drive-Thru For Ten Minutes

U.S. · Mar 15, 2022 · BabylonBee.com

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### Residents Become Chief Export Of California

POLITICS · Aug 30, 2022 · BabylonBee.com

[Click here to view this article with reduced ads.](#)



### Governor Abbott Declares Texas Sanctuary State For Memers

U.S. · Sep 19, 2024 · BabylonBee.com

[Click here to view this article with reduced ads.](#)



### Ohio Restaurant Unveils New Pumpkin Spice Cat

U.S. · Sep 21, 2024 · BabylonBee.com

[Click here to view this article with reduced ads.](#)



35. The Bee regularly posts about politics, elections, and politicians.

36. The Bee regularly posts about candidates for electoral office, including candidates running for office in California.

<sup>2</sup> *Fast-Food Meal Costs Family \$100 After They Idle In Drive-Thru For Ten Minutes*, Babylon Bee (Mar. 15, 2022), <https://perma.cc/L2ZL-48QR>; *Residents Become Chief Export Of California*, Babylon Bee (Aug. 30, 2022), <https://perma.cc/RRP8-DT69>; *Ohio Restaurant Unveils New Pumpkin Spice Cat*, Babylon Bee (Sept. 21, 2024), <https://perma.cc/CX62-KUVH>. *Governor Abbott Declares Texas Sanctuary State for Memers*, Babylon Bee (Sept. 19, 2024), <https://perma.cc/29ZD-LJS5>.



37. For example, during the 2024 election, The Bee posted articles about Presidential candidates Donald Trump and Kamala Harris, Vice Presidential candidates J.D. Vance and Tim Walz, and voting in California.

38. True and accurate screenshots of these headlines are included in Exhibit A, and the posts are viewable here:

a. *Trump Projected To Win In 50-State Landslide After Appearing In Squirrel Costume*, Babylon Bee (Nov. 2, 2024), <https://perma.cc/3MTL-VE7R>.

b. *New 'Kamalexa' Edition Of Amazon Echo Will Just Ramble For 10 Minutes Without Ever Answering Your Questions*, Babylon Bee (Oct. 31, 2024), <https://perma.cc/9RA3-9CPW>.

c. *Kids At Tim Walz's Door Disappointed As He Fills Candy Bags With Tampons*, Babylon Bee (Oct. 31, 2024), <https://perma.cc/7FBX-RPE8>.

d. *California Man Arrested For Showing I.D. To Vote*, Babylon Bee (Oct. 29, 2024), <https://perma.cc/7UER-JU8R>.

e. *Democrats Concerned California Wildfires May Burn Up Their Stock Of Prefilled Kamala Harris Ballots*, Babylon Bee (Sept. 12, 2024), <https://perma.cc/PX7S-MKC7>.

f. *In Brief Moment Of Lucidity, Biden Endorses Trump*, Babylon Bee (Sept. 11, 2024), <https://perma.cc/P5VZ-TUF8>.

g. *Trump Team Reveals Debate Strategy: Trump Will Cede All His Time To Kamala And Then Quietly Play With His Tamagotchi*, Babylon Bee (Sept. 10, 2024), <https://perma.cc/S7HM-BFDP>.

h. *Kamala Responds To Criticism Over Lack Of Policies By Posting Another Truck Stop Junk Food Video*, Babylon Bee (Sept. 6, 2024), <https://perma.cc/L7X6-DFY3>.



i. *Trump Prepares For Debate Against Kamala By Going To Bar And Arguing With Drunks*, Babylon Bee (Sept. 5, 2024), <https://perma.cc/C7J6-47BX>.

j. *Trump Adds A Kennedy In Hopes He Will Draw All The Sniper Fire*, Babylon Bee (Aug. 23, 2024), <https://perma.cc/A62V-97C8>.

k. *Kamala Harris Unveils New Economic Platform ‘We Must Seize The Means Of Production And Execute The Bourgeoisie’*, Babylon Bee (Aug. 18, 2024), <https://perma.cc/8TTE-33H8>.

l. *California Passes Law Requiring People Fail A U.S. Civics Exam To Be Eligible To Vote*, Babylon Bee (Aug. 12, 2024), <https://perma.cc/36T6-3ECQ>.

m. *Tim Walz Asks Guy Guarding Tomb Of Unknown Soldier Why He Doesn’t Just Desert Him*, Babylon Bee (Aug. 10, 2024), <https://perma.cc/5KT6-76YS>.

n. *Vance Dons Helmet And Body Armor In Preparation To Run With Trump*, Babylon Bee (July 15, 2024), <https://perma.cc/7PWK-2F7E>.

o. *Newsom Issues Ban On Legal-Citizen Voting*, Babylon Bee (May 23, 2024), <https://perma.cc/XNL7-SPMF>.

p. *Democrat Governors Promise They Will Do Everything In Their Power To Make Elections Appear Legitimate*, Babylon Bee (Apr. 12, 2024), <https://perma.cc/5Y27-ZZ9W>.

39. The Bee intentionally digitally created or modified the images contained in the articles referenced in subparagraphs a–d, g–k, m, and n of the above paragraph.

40. Before September 17, 2024, The Bee also posted articles about President Biden and COVID-19, Vice President Harris and Hillary Clinton, President Biden and elections, and Donald Trump.

1 41. True and accurate screenshots of these headlines are included in  
2 Exhibit A, and the posts are viewable here:

3 a. *New White House Doctor Sadly Informs Biden Only Cure For*  
4 *COVID Is Euthanasia*, Babylon Bee (July 18, 2024), [https://perma.cc/DW4A-](https://perma.cc/DW4A-5N69)  
5 [5N69](https://perma.cc/DW4A-5N69).

6 b. *Hillary Clinton Meets With Kamala To Help Her Improve Her*  
7 *Black Accent*, Babylon Bee (Aug. 1, 2024), <https://perma.cc/LVN7-AL4R>.

8 c. *In Victory Speech, Biden Assures Americans Elections Were*  
9 *‘Mostly Legitimate’*, Babylon Bee (Nov. 9, 2020), [https://perma.cc/DCB6-](https://perma.cc/DCB6-4VNF)  
10 [4VNF](https://perma.cc/DCB6-4VNF).

11 d. *Biden Unveils Official Campaign Slogan ‘Death To America’*,  
12 Babylon Bee (Apr. 17, 2024), <https://perma.cc/48GW-TW9W>.

13 42. The Bee intentionally digitally created or modified the image contained  
14 in subparagraphs a, b, and d of the above paragraph.

15 43. Since September 17, 2024, The Bee has posted articles about Governor  
16 Newsom’s new law (that, ironically, is the basis of this lawsuit), President Trump,  
17 President Biden, Kamala Harris, and Tim Walz.

18 44. True and accurate screenshots of these headlines are included in  
19 Exhibit A and the posts are viewable here:

20 a. *Awkward: Mourners at Jimmy Carter Funeral Place Flowers on*  
21 *Biden*, Babylon Bee (Jan. 9, 2025), <https://perma.cc/3VR6-BL6L>.

22 b. *Biden Honors Kamala Harris With Presidential Medal Of*  
23 *Participation*, Babylon Bee (Jan. 5, 2025), <https://perma.cc/W56H-UGBD>.

24 c. *‘Ok, Who Got Me The MAGA Hat?’ Asks Kamala Harris As Jill*  
25 *Biden Stifles Laughter*, Babylon Bee (Dec. 24, 2024), [https://perma.cc/P525-](https://perma.cc/P525-D6XA)  
26 [D6XA](https://perma.cc/P525-D6XA).

d. *Adorable: Trump And Musk Debut Matching Christmas Pajamas*, Babylon Bee (Dec. 20, 2024), <https://perma.cc/L66C-2SM7>.

e. *Newsom Says With Another \$25 Billion He Could Double Homelessness by 2030*, Babylon Bee (Dec. 18, 2024), <https://perma.cc/2EF4-9B7P>.

f. *'We Can't Afford Another Four Years Of This!' Shouts Running Mate Of Candidate Who Has Been Leading Country for Four Years*, Babylon Bee (Sept. 21, 2024), <https://perma.cc/4LVU-UGXM>.

g. *Furious Gavin Newsom Bans A.I. Images After Getting Tricked Into Thinking Pic Of Trump As A Mer-Man Was Real*, Babylon Bee (Sept. 18, 2024), <https://perma.cc/35Q7-ZNDD>.

h. *Here Are 9 AI-Generated Deep Fakes Of Gavin Newsom That Are Illegal To Share In California*, Babylon Bee (Sept. 18, 2024), <https://perma.cc/38CA-XSEV>.

i. The Babylon Bee (@TheBabylonBee), X (Sept. 17, 2024), <https://perma.cc/QF93-ARLL>.

45. The Bee intentionally digitally created or modified the images contained in the posts referenced in subparagraphs a–d and g–i of the above paragraph.

46. The Bee's posts identified in paragraphs 38, 41, and 44 above that have been posted have not been removed or labeled by Rumble, X, Instagram, Facebook, or YouTube.

47. For future elections in California, The Bee intends to continue to create and post content on its own website, Rumble, X, Facebook, Instagram, and YouTube materially similar to the content referenced in paragraphs 38, 41, and 44, meaning The Bee will post digitally created or modified satire and parody about politicians, presidential and vice presidential candidates for office who appear on

1 the ballot in California, other candidates who appear on the ballot in California,  
2 elected officials saying or doing something in connection with an election in  
3 California, and ballots, voting machines, and voting sites related to an election in  
4 California.

5 48. Material that is similar to content The Bee has posted in the past  
6 includes the content identified in paragraphs 38, 41, and 44 above and other  
7 intentionally digitally created or modified content about Donald Trump, Kamala  
8 Harris, Gavin Newsom, future presidential and vice presidential candidates for  
9 office who appear on the ballot in California, other candidates who appear on the  
10 ballot in California, and elected officials saying or doing something in connection  
11 with an election in California, and ballots, voting machines, and voting sites related  
12 to an election in California.

13 49. As with satire and parody more generally, The Bee intends to and  
14 desires to have these posts expose bad ideas, cause viewers to reflect on the  
15 consequences of those ideas, and prompt viewers to take appropriate action to  
16 remedy the consequences of those ideas.

17 50. The Bee created the content identified in paragraphs 38, 41, and 44  
18 and creates and will create materially similar content that is intentionally digitally  
19 created or modified, knowing that the content is not literally true.

20 51. The purpose of The Bee's satire and parody is to create content that is  
21 not literally true in all respects, and so The Bee knows that at least some of that  
22 content is literally false or acts without regard to that literal truth, but The Bee  
23 does so anyway to prove a broader point.

24 52. The Bee thus follows the traditional path for satire and parody by  
25 mimicking the original for maximum effect.

26 53. Ironically, some of The Bee's satirical headlines have become actual  
27 news stories in time.

54. To date, over one hundred of The Bee's satirical headlines have later become actual headlines. *Cf.* Kassy Dillon, *When satire becomes reality: Nearly 100 Babylon Bee joke stories have come true*, Fox News (Mar. 26, 2023), <https://perma.cc/PJF9-7DEN>.

55. Here are two examples, with the satire on the left and the real articles on the right.<sup>3</sup>

### Xi Jinping Criticizes Trudeau's Heavy-Handed Approach

WORLD - Feb 15, 2022 - babylonbee.com

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China slams Canada over Hong Kong, Ottawa protests  
India Blooms News Service | @indiahlooms | 23 Feb 2022, 09:46 am

### 9 Reasons Not To Worry About The Tanking Economy

WORLDWIDE - Sep 26, 2022 - babylonbee.com



### The Washington Post

Democracy Dies in Darkness

### 7 ways a recession could be good for you financially

Hey, a recession isn't all bad news. Here are seven silver linings.



Advice by Michelle Singletary

Columnist

Updated September 29, 2022 at 10:41 a.m. EDT | Published September 28, 2022 at 7:00 a.m. EDT

<sup>3</sup> Compare *Xi Jinping Criticizes Trudeau's Heavy-Handed Approach*, Babylon Bee (Feb. 15, 2022), <https://perma.cc/3N7P-4DQS>, and *9 Reasons Not To Worry About The Tanking Economy*, Babylon Bee (Sept. 26, 2022), <https://perma.cc/3R8Y-L9Y8>, with *China slams Canada over Hong Kong, Ottawa protests*, India Blooms (Feb. 23, 2022), <https://perma.cc/FA4M-ZGUN>, and *Michelle Singletary, 7 ways a recession could be good for you financially*, Wash. Post (Sept. 29, 2022), <https://perma.cc/B76H-Y9KF>.

1           56.     Some of The Bee’s satirical articles have been mistaken for real news  
2 articles.

3           57.     For example, Donald Trump once presumed a satirical article written  
4 by The Bee was a real news article and retweeted it. The article was entitled,  
5 “Twitter Shuts Down Entire Network To Slow Spread Of Negative Biden News.”  
6 David Jackson, *Trump retweets satirical news story about Joe Biden and Twitter*,  
7 USA Today (Oct. 16, 2020, 9:45am), <https://perma.cc/83LJ-Z5XT>.

8           58.     Fact-checking sites have reviewed The Bee’s satirical posts for factual  
9 accuracy to determine if the posts are, indeed, satire.

10          59.     Snopes is one such fact-checker.

11          60.     Snopes claims to be “the oldest and largest fact-checking site online,  
12 widely regarded by journalists, folklorists, and readers as an invaluable research  
13 companion.” Snopes, About Us, <https://perma.cc/LL39-5BKW>.

14          61.     Snopes fact checks and provides “original investigative reporting”  
15 “[w]hen misinformation obscures the truth.” *Id.*

16          62.     Snopes has fact-checked dozens of satirical articles posted by The Bee,  
17 including articles posted as recently as August 2024. Snopes,  
18 <https://perma.cc/E7BB-26SX>.

19          63.     For example, The Bee posted the following three articles.<sup>4</sup>  
20  
21  
22  
23  
24

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25 <sup>4</sup> *CNN Purchases Industrial-Sized Washing Machine To Spin News Before*  
26 *Publication*, Babylon Bee (Mar. 1, 2018), <https://perma.cc/G4EKF9VS>; *Ocasio-Cortez*  
27 *Appears On ‘The Price Is Right,’ Guesses Everything Is Free*, Babylon Bee (Apr. 12,  
28 2019), <https://perma.cc/3MXWJ6Q6>; and *Ninth Circuit Overturns Death Of Ruth*  
*Bader Ginsburg*, Babylon Bee (Sept. 21, 2020), <https://perma.cc/9TBH-6HUX>.



## Ocasio-Cortez Appears On 'The Price Is Right,' Guesses Everything Is Free

POLITICS - Apr 12, 2019 - BabylonBee.com

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## CNN Purchases Industrial-Sized Washing Machine To Spin News Before Publication

U.S. - Mar 1, 2018 - BabylonBee.com

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## Ninth Circuit Court Overturns Death Of Ruth Bader Ginsburg

POLITICS - Sep 21, 2020 - BabylonBee.com

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64. Under the guise of preventing “misinformation,” Snopes and the newspaper USA Today initially reviewed these articles for accuracy, rated them as “false,” and even suggested they were intentionally misleading.

65. Later, Snopes and USA Today changed course and confirmed that the articles were satire.<sup>5</sup>

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<sup>5</sup> David Mikkelsen, *Did CNN Purchase an Industrial-Sized Washing*



66. USA Today verified that the “satirical article about the 9th Circuit ‘overturning’ Supreme Court Justice Ruth Bader Ginsburg’s death has no basis in fact” after consulting fifteen different sources.

67. Fact checkers have also checked The Bee’s articles related to elections. For example, Reuters fact checked The Bee’s February 29, 2024 article titled “Ballot Drop Boxes Installed Along Border Wall.” See <https://perma.cc/E8NB-FNXP>. The article features the below digitally altered image:



68. Reuters concluded that “no evidence” existed “that ballot drop boxes have been installed along the U.S. border with Mexico,” even though “U.S. Customs and Border Protection did not immediately respond to a request for comment.” Reuters Fact Check, *Fact Check: Image of ballot drop boxes installed along US border is satire*, Reuters (Mar. 12, 2024), <https://reut.rs/3DsZQOi>.

69. Others have also argued that The Bee’s satirical content is still misinformation.

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*Machine to Spin News?*, Snopes (Mar. 1, 2018), <https://perma.cc/BN6Q-3YBP>; Dan Evon, *Did U.S. Rep. Ocasio-Cortez Repeatedly Guess ‘Free’ on TV Show ‘The Price is Right?’*, Snopes (Apr. 15, 2019), <https://perma.cc/NM62-NXSS>; Chelsey Cox, *Fact check: Satirical claim that the 9th Circuit Court of Appeals overturned Ginsburg’s death*, USA Today (Sept. 27, 2020), <https://perma.cc/93Y9-PZZY>.

1           70. One critic maintained that “[e]ven if the Babylon Bee’s satire itself  
2 should not be considered misinformation, its satire draws on and reinforces actual  
3 misinformation and conspiracy.” Parker J. Bach, *Can the Right Make Good Satire*  
4 *Without Collapsing Due to Fake News?*, Slate (June 22, 2021),  
5 <https://perma.cc/FB2X-6KMS>.

6           71. One article accused The Bee and other satirical sites of “Helping [to]  
7 spread misinformation on social media.” Peter Suci, *Not Fake News—Satire Is*  
8 *Helping Spread Misinformation On Social Media*, Forbes (Feb. 2, 2024),  
9 <https://perma.cc/QL9L-QYNV>.

10          72. One reporter accused The Bee of being a “far-right misinformation  
11 site.” *New York Times: Far-right misinformation site The Babylon Bee uses ‘satire’*  
12 *claim to protect its presence on Facebook*, Twitchy (Mar. 22, 2021),  
13 <https://tinyurl.com/yc6ck5sv>.

14          73. Another reporter called The Bee “dangerous.” Libby Emmons, *CNN*  
15 *reporter claims The Babylon Bee is dangerous but The Onion is hilarious*, The Post  
16 Millennial (Jan. 7, 2020), <https://tinyurl.com/khbcbbax>.

17          74. The Bee has also experienced censorship by online platforms because  
18 of the content of its posts.

19          75. For example, during U.S. Supreme Court Justice Barrett’s  
20 confirmation hearing, Facebook determined that The Bee “incit[ed] violence” by  
21 posting a Monty Python-inspired satire piece entitled, “Senator Hirono Demands  
22 ACB Be Weighed Against A Duck To See If She Is A Witch.” When challenged,  
23 Facebook refused to change its determination. *See AGAIN! Facebook censors and*  
24 *penalizes The Babylon Bee for the most ridiculous article ever*, Not the Bee (Oct. 20,  
25 2020), <https://perma.cc/7FG5-GENV>.

26          76. Instagram determined that I personally violated its community  
27 guidelines against “harmful false information” and “hate speech or symbols” for  
28

1 sharing a *Slate* article entitled, “It’s About Time for Us to Stop Wearing Masks  
2 Outside,” along with the comment, “Sane people never did this.” *See Babylon Bee*  
3 *CEO posted this to Instagram and they’re now threatening to ban him for “harmful*  
4 *false information” and “hate speech.” WHAT??*, Not the Bee (Apr. 18, 2021),  
5 <https://perma.cc/4WUV-5AYY>.

6 77. YouTube flagged The Bee as a “violent criminal organization[ ]” and  
7 removed its video titled “If the LEAKED Nashville Shooter Manifesto is legit, what  
8 does it say about censorship in the US?” Seth Dillon (@SethDillion), X (Nov. 8, 2023,  
9 8:44 AM), <https://perma.cc/ZCJ6-4WJ7>. Even after The Bee appealed the  
10 mischaracterization of the content, YouTube held to its determination that the  
11 video violated its violent criminal organization policy. Seth Dillon (@SethDillion), X  
12 (Nov. 8, 2023, 10:48 AM), <https://perma.cc/FMF9-R8MY>.

13 78. Twitter also suspended The Bee’s account for “hateful conduct” under  
14 its content-moderation policies after it named the former U.S. Assistant Secretary  
15 for Health Dr. Rachel Levine the site’s “Man Of The Year.” Seth Dillon  
16 (@SethDillion), X (Mar. 20, 2022, 5:52 PM), <https://perma.cc/7M3L-XJGZ>.

17 79. Twitter refused to reinstate The Bee unless it agreed to delete the  
18 tweet.

19 80. Because The Bee refused to do so on principle, Twitter did not  
20 reinstate The Bee’s account.

21 81. This incident, among other considerations, culminated in Elon Musk  
22 purchasing Twitter to restore free speech on the platform.

23 82. Had Twitter not been sold to Musk, The Bee would have remained  
24 banned from the platform unless and until it self-censored by deleting the violative  
25 tweet. Gabriel Hays, *The Babylon Bee’s Twitter account reinstated by Elon Musk*  
26 *after suspension for transgender joke: ‘We’re back,’* Fox News (Nov. 18, 2022),  
27 <https://perma.cc/TU3A-8NGD>.

1 83. After Musk purchased Twitter (now X), he reinstated The Bee's  
2 account almost immediately.

3 84. X has not suspended, removed, or taken any adverse action against  
4 The Bee's X account since Musk purchased the platform.

5 85. Musk significantly amended X's content moderation policy that had  
6 been the basis for Twitter's suspension of The Bee's account, and The Bee's content  
7 does not violate X's current content moderation policy.

8 86. The Bee has also faced censorship on the social media platform  
9 Bluesky. In November 2024, The Bee posted its "Man of the Year" article to  
10 Bluesky. Bluesky blocked the post and labeled it "Intolerance." To see the post,  
11 Bluesky users had to click through the "Intolerance" label. The Bee posted the  
12 article four times. Each time, Bluesky labeled the post as "Intolerance."

13 **III. AB 2839 and AB 2655 impose overwhelming burdens on The Bee.**

14 87. AB 2839 and AB 2655 have imposed and will continue to impose  
15 significant pressures and burdens on The Bee's expression.

16 88. The Bee intends to post satirical or parodical content that has been  
17 intentionally digitally created or modified on its accounts hosted by online platforms  
18 or republish to those accounts such content created by others.

19 89. The only way for The Bee to publish or republish satire or parody on  
20 its own website or on its online accounts without violating AB 2839 is by labeling  
21 the content ("This \_\_\_\_ has been manipulated for purposes of satire or parody")  
22 according to the size and duration requirements set out in AB 2839.

23 90. This disclaimer alters the content of the messages The Bee wants to  
24 express by alerting the viewer to the satirical or parodical nature of the  
25 communication and thereby depriving the expression of its rhetorical force.

91. This disclaimer also alters the content of the messages The Bee desires to express by forcing it to incorporate California's desired messages into its satire or parody.

92. The Bee is not willing to post satire or parody with this label because it does not want this disclaimer to alter its messages and because AB 2839's size requirements ruin the communicative impact of satire or parody.

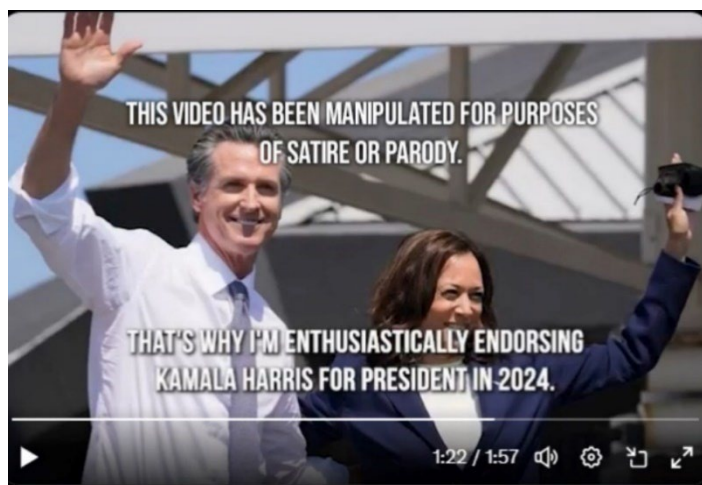
93. For example, AB 2839 requires The Bee to alter its headlines or video identified above by stamping the following disclaimer on its content.



### Kamala Responds To Criticism Over Lack Of Policies By Posting Another Truck Stop Junk Food Video

POLITICS · Sep 6, 2024 · BabylonBee.com

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94. AB 2655 also burdens The Bee's speech.



1           95. The Bee posts content on Rumble, X, Instagram, Facebook, and  
2 YouTube, all of which qualify as large online platforms under AB 2655.

3           96. AB 2655 requires those large online platforms to remove or label The  
4 Bee's posts that are materially similar to the content it has previously posted, as  
5 identified in paragraphs 38, 41, and 44 above. Such content includes digitally  
6 created or modified content about future presidential and vice presidential  
7 candidates for office who appear on the ballot in California, other candidates who  
8 appear on the ballot in California, and elected officials saying or doing something in  
9 connection with an election in California.

10          97. AB 2655's vague terms also encourage large online platforms to err on  
11 the side of removing or labeling content rather than allowing it, even if the content  
12 arguably falls within the "satire or parody" exemption of AB 2655.

13          98. The liability threatened by AB 2655 further encourages large online  
14 platforms to suspend or ban The Bee's accounts when it continues to post content  
15 prohibited by AB 2655. The law imposes costs and potential liability on online  
16 platforms for failing to remove or label content arguably covered by the law, but it  
17 imposes no costs or liability for removing or labeling too much content. This one-  
18 sided regime further incentivizes covered platforms to over-censor and over-label  
19 content.

20          99. I am familiar with the publicly available terms of service and content  
21 moderation policies of Rumble, X, Facebook, Instagram, and YouTube.

22          100. When posting on online platforms, The Bee must abide by those  
23 platforms' terms of service or risk suspensions or bans of its accounts.

24          101. To post on Rumble, The Bee agreed to comply with Rumble's terms of  
25 service, which include compliance "with all applicable laws." Rumble, Website  
26 Terms and Conditions of Use and Agency Agreement, <https://perma.cc/DRA5-8AE8>.

1 AB 2839 is such a law. Violating that term of service subjects The Bee to potential  
2 account suspensions or bans from Rumble.

3 102. X's terms of service make The Bee "responsible for ... any Content [it]  
4 provide[s], including compliance with applicable laws, rules, and regulations." X,  
5 Terms of Service, <https://bit.ly/4h0Ey8A>. AB 2839 is such a law. Violating that term  
6 of service subjects The Bee to potential account suspensions or bans from X.

7 103. YouTube makes "access and use [of] the Service" contingent on  
8 "comply[ing] with ... applicable law." YouTube, Terms of Service,  
9 <https://www.youtube.com/t/terms#27dc3bf5d9>. AB 2839 is an applicable law.  
10 Violating that term of service subjects The Bee to potential account suspensions or  
11 bans from YouTube.

12 104. Instagram's Terms of Use require users to agree not to "do anything  
13 unlawful." Instagram, Terms of Use, <https://bit.ly/4koCBWf>. Violating AB 2839 thus  
14 subjects The Bee to potential account suspensions or bans from Instagram.

15 105. Facebook's terms of service require users to agree not to "do or share  
16 anything ... [t]hat is unlawful." Facebook, Terms of Service, <https://bit.ly/41pmDTf>.  
17 Violating AB 2839 thus subjects The Bee to potential account suspensions or bans  
18 from Instagram.

19 106. The Bee receives payment for its content on X, Rumble, Facebook, and  
20 YouTube. Suspensions or removals of its accounts on any of these platforms would  
21 cause The Bee financial harm.


22 107. Account suspension or removal would impair The Bee's revenue and  
23 reputation, cause it to lose access to one or more large platforms to proclaim its  
24 messages, and cause it to lose access to the millions of followers and subscribers it  
25 has attracted across Rumble, X, Facebook, Instagram, and YouTube.



108. The Bee also desires to view other creators' content, including political satire or parody, because it believes we all benefit from the freedom to speak the truth, expose bad ideas, and encourage societal change.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of March, 2025, at Jupiter, Florida.

  
Seth Dillon